



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ZONING BOARD OF APPEALS
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MINUTES ***Web-Based Meeting Hosted on ZOOM*** January 14, 2021 7:00 p.m.

ROLL CALL:

Acting Chairman Rodney Moore called the web-based meeting to order at 7:00 p.m. Present were Peter DeLucia, Joseph Hanna, Juan Rivas, Michael Sibbitt. Mr. Moore seated Alternate Peter DeLucia as a full member in the absence of Richard Jowdy. Mr. Moore announced that Application Nos. 20-35, 20-36, and 21-01 will be heard.

ACCEPTANCE OF MINUTES: October 22, 2020

Motion to accept the minutes of October 22, 2020 was made by Joseph Hanna; seconded by Peter DeLucia. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

The next regular meeting is scheduled for **January 28, 2021**

Mr. Moore notified anyone present that Application No. 20-34, 1 Padanaram Road, Interstate Signcrafters, has requested the matter be continued until the first meeting in February, which is scheduled for February 11, 2021.

Motion to hear Application Nos. 20-35, 20-36, and 21-01 was made by Joseph Hanna; seconded by Michael Sibbitt. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

PUBLIC HEARINGS:

#20-34: 1 Padanaram Road, Interstate Signcrafters, agent for Wells Fargo, (H11258), CL-10 Zone

Sec. 8.E.3.a.(3) Allow freestanding sign height from 20' to 25' and allow proposed sign to be placed 135' from existing shopping center pole sign. Rescheduled to February 11, 2021.

#20-35: 19 Wood Street, Doyle, Robert & Gail, (I09104), RA-20 Zone

Sec. 4.A.3. Reduce minimum side yard setback from 15' to 8.5'; increase maximum building coverage from 20% to 23% for addition

Benjamin Doto, L.P.E., appeared on behalf of Robert & Gail Doyle. Bob Doyle, homeowner, is present on the Zoom meeting. Mr. Doto gave a brief history of the home—built in 1962 on approximately one-third of an acre, current owners have lived there for 37 years, and they are requesting a variance to accommodate two additions—one is a 70 sq.ft. area to get things squared off, and the other is a 700 sq. ft. addition. The second variance is for coverage area because the total of the additions is 770 sq. ft. The home is currently 1,750 sq. ft. Mr. Doto explained this home is in the area of Candlewood Town Park, and it is served by City water and sewer. The hardship is the non-conforming lot size and the location of the existing house. Two letters of support from neighbors, Lois Marotta and Henrique Antonio at 17 and 21 Wood Street, respectively, were submitted with the application, which Mr. Moore read into the record. Mr. Doto said that if the lot was compliant, the building coverage would comply.

There were no questions. Mr. Moore confirmed both letters of support were included with the application. No one was present to speak in favor or in opposition.

Motion to close No. 20-35 was made by Joseph Hanna; seconded by Peter DeLucia. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

#20-36: 31-35 South Street, Preferred Utilities Manufacturing Corporation, (K15082), IL-40 Zone

Sec. 3.G.12.a.(2)(a) Allow solar panels in front of building; Sec. 3.G.12.b. Increase height of solar panels from 15' to 21'; Sec. 3.G.12.c. Increase building coverage, including panels, from 34% to 43%.

Ward Mazzucco, Esq. appeared on behalf of the applicant. Mr. Mazzucco introduced members of Con-Edison Solutions team who had joined the ZOOM meeting. Attorney Mazzucco described Preferred Utilities as a long-time Danbury company. He continued with a PowerPoint presentation, highlighting the benefits of the solar array.

Mr. Mazzucco said the hardship is the unusual “dog-leg” shape of the lot with the existing building, built over 50 years ago, at the rear of the lot. Locating the building at the rear of the property allowed access to the railroad. The solar panels will be set over parking spaces in the front in a carport configuration. Mr. Mazzucco displayed the proposed elevation detail of the panels. He further explained there is a height policy of 15’ in Danbury; however, these will be up to 21’ and will be barely visible from the street, with little impact to the residential properties across the street and drivers. The site plan calls for some buffering. Benefits include annual energy savings. Mr. Mazzucco reviewed the variance requests.

Juan Rivas questioned the 21’ height, and asked if it was adjustable. Andy Mayshar, Con-Edison Solutions, said it was a fixed maximum height. Rod Moore asked for an expanded hardship, stating that cost savings is not relative in terms of hardship. Mr. Mazzucco said by today’s standards the building would have been constructed toward the front of the property with parking in back. The solar panels could go in the rear if that was the case; however, there was no way to anticipate this need would ever arise. With this proposal, the solar panels are not near the road. Mr. Moore asked to see the building photograph asking if the roof was considered as an alternative. Mr. Mazzucco indicated that the roof location was examined, but the structure is inadequate. Joseph Hanna asked if screening exists or will it be new? Mr. Mazzucco answered that it will be new and indicated on the site plan where the screening would be placed although the height is not specified. Mr. Mazzucco thought they would be about 6’ tall. Mr. Moore asked if there was anyone in favor or opposed. Mr. Dwayne Boulden, Vice President of Preferred Utilities Manufacturing Corporation, stated he was in favor along with others who were on the ZOOM call as part of the Con Edison team and Engineering Support.

Mr. Ben Chianese, 5 Briar Ridge Road, questioned if zoning for that area allows for solar panels if less than 15’ high. Mr. Moore said yes. Mr. Chianese asked if the reason for variance is their location on the carport? Mr. Mazzucco said they “serve” as a carport – no height requirement, however, out of an abundance of caution, and the height really does not affect the visibility much at all, the variance was requested.

Sean Hearty, Zoning Enforcement Officer, indicated that the detached accessory use requirements have not caught up with technology. Mr. Hearty said configuration does not allow for leeway as it would when we look at roofs, such as an A-frame. Mr. Chianese asked if this would set a precedence for other areas to do the same? Mr. Hearty said that every case is considered on its own merit by the ZBA. Other industrial sites have been approved in the past. Mr. Chianese asked if a zone change would be better than a variance? Mr. Hearty thinks a zone change would not affect the front yard requirements and building coverage. Mr. Moore thought that a zone change would open up many increases in height to 21’. Mr. Moore continued by explaining every variance is taken individually and looked at as unique. A zone change would set the precedence. Mr. Chianese asked if it gave a rise to a hardship? Mr. Moore answered that this property is unique, and the fact that it is so far away (from the road) makes it easier to grant a variance like this. That is a determination that will be considered in the Board’s deliberation.

A letter of support from neighbor, Thomas M. Herd, Corporate Vice President of Leonardo DRS, Inc. (Consolidated Controls Inc.) at 21 South Street, was included with the application.

Motion to close No. 20-36 was made by Joseph Hanna, seconded by Juan Rivas. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

#21-01: 115 Carol Street, Pikul, Bernard Jr. & Lucente, Donna, (H21115), RA-20 Zone

Sec. 4.A.3 Reduce front yard setback from 30' to 17' and reduce side yard setback from 15' to 5'

Bernard Pikul and Donna Lucente presented their application. They are proposing an addition to this home. Ms. Lucente shared her screen and described their request to take an existing deck and put in an enclosed stairway and expanding on the side of the house, where the front corner will be closer to the property line than the rear corner. Ms. Lucente stated that the Lake Waubeeke Board has no objection to their plan. She also had two letters of support that accompanied the application, one from Katharine Brooks, and one from Peggy Struna and Daniel Schwartz. Ms. Lucente read the letter of support from Jeff & Judith Cahn into the record. Ms. Lucente said this is a preexisting, non-conforming lot with challenging topography. To the rear is ledge and septic system, and the north side of the property is where the Waubeeke waterline resides. They cannot add above because of handicapped accessibility restrictions. They wish to modify doors and hallways for handicapped accessibility. Joe Hanna questioned the front setback line and asked how wide the stairway will be. Ms. Lucente answered that the enclosed stairway will be 6.8' x 11.9 1/8'. Mr. Moore verified that he had walked the property and could attest to the steep topography.

No one else in favor or opposed.

Motion to close No. 21-01 was made by Joseph Hanna, seconded by Michael Sibbitt. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

Motion to open the voting session was made by Joseph Hanna, seconded by Juan Rivas. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

DECISIONS:

#20-35: 19 Wood Street, Doyle, Robert & Gail, (I09104), RA-20 Zone

Sec. 4.A.3. Reduce minimum side yard setback from 15' to 8.5'; increase maximum building coverage from 20% to 23% for addition

Motion to approve, per plan submitted, was made by Joseph Hanna as it does not adversely affect the health, safety, and welfare of the community. Motion was seconded by Michael Sibbitt. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

#20-36: 31-35 South Street, Preferred Utilities Manufacturing Corporation, (K15082), IL-40 Zone

Sec. 3.G.12.a.(2)(a) Allow solar panels in front of building; Sec. 3.G.12.b. Increase height of solar panels from 15' to 21'; Sec. 3.G.12.c. Increase building coverage, including panels, from 34% to 43%.

Motion to approve, per plan submitted, was made by Joseph Hanna as it does not adversely affect the health, safety, and welfare of the community; seconded by Michael Sibbitt. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

#21-01: 115 Carol Street, Pikul, Bernard Jr. & Lucente, Donna, (H21115), RA-20 Zone

Sec. 4.A.3 Reduce front yard setback from 30' to 17' and reduce side yard setback from 15' to 5'

Motion to approve per plan submitted was made by Joseph Hanna, as it does not adversely affect the health, safety, and welfare of the public; seconded by Juan Rivas. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore.

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDENCE: None

OTHER MATTERS: None

ADJOURNMENT:

Motion to adjourn was made by Juan Rivas; seconded by Michael Sibbitt. Motion passed unanimously with Ayes from Messrs. DeLucia, Hanna, Rivas, Sibbitt, and Moore at 7:57 p.m.

Respectfully submitted,

Mary S. Larkin
Recording Secretary